

FCC MAIL SECTION

Federal Communications Commission

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Before the
Federal Communications Commission
Washington, D.C. 20554

DISPATCH

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 98-135
Table of Allotments,)	RM-9300
FM Broadcast Stations.)	RM-9383
(Lufkin and Corrigan, Texas))	

MEMORANDUM OPINION AND ORDER
(Proceeding Terminated)

Adopted: March 1, 2000

Released: March 10, 2000

By the Chief, Allocations Branch:

1. The Commission has before it for consideration a Petition for Reconsideration filed by Corrigan Broadcasting Company ("CBC") directed to Report and Order, in this proceeding, 14 FCC Rcd. 12153 (1999).¹ CBC requests reconsideration of our action allotting Channel 232A to Corrigan, Texas as that community's first local service.

2. Background. At the request of Russell L. Lindley ("Lindley"), the Notice of Proposed Rule Making, 13 FCC Rcd 13875 (1998) in this proceeding proposed the allotment of Channel 261A to Lufkin, Texas as that community's 9th local service. CBC submitted a counterproposal requesting the allotment of Channel 261A at Corrigan, Texas, as its first local service. The Report and Order allotted Channel 261A to Lufkin and in response to the counterproposal allotted an alternate Channel 232A to Corrigan with a 9.8 mile site restriction.

3. Petition for Reconsideration. CBC contends that Channel 232A cannot be allotted to Corrigan since the signal from any site at which Channel 232A is fully spaced will fail to cover all of Corrigan. CBC claims that from the restricted coordinates for Channel 232A it is impossible to place a 70 dBu signal over the entire city of Corrigan. CBC concludes that the allotment of Channel 232A at Corrigan is defective and should be rescinded.

4. CBC contends that since there is no alternative channel available at Corrigan, Commission precedent and the public interest require that Channel 261A be allotted to Corrigan in lieu of Lufkin. CBC reiterates that the allotment of Channel 261A to Corrigan should prevail since as a first local service it triggers allotment priority three as opposed to allotment priority 4

¹Public Notice of the petition for reconsideration was given on November 10, 1999, Report No. 2372.

triggered by a proposed ninth local service for Lufkin.² Therefore, CBC contends that the allotment of Channel 261A provides a greater public interest benefit than allotment of Channel 261A at Lufkin.

5. Discussion. Our engineering staff has confirmed that Channel 232A at Corrigan will not provide that community with the requisite 70dBu signal as required by Section 73.315 of the Commission's Rules. Initially, we determined that Channel 232A could be allotted to Corrigan with a 15.9 km site restriction that would prevent any conflict with Station KQXY, Channel 231C1, Beaumont, Texas, and Station KVLL, Channel 234C2, Woodville, TX. However, based on a further technical review it appears that the required site restriction on Channel 232A does place it too far away to provide the requisite city grade coverage to Corrigan. Since Channel 261A remains the only channel available for allotment to Corrigan or Lufkin, we will now have to determine which proposal would result in a preferential arrangement of allotments pursuant to the guidelines set forth in Revision of FM Assignment and Policies and Procedures, 90 FCC Rcd 2d (1982). We agree with CBC that the allotment of Channel 261A to Corrigan should prevail over the allotment of Channel 261A to Lufkin since it will provide a first local service as opposed to an additional 9th local service to Lufkin. Therefore, we are reversing our earlier action allotting Channel 261A to Lufkin. Instead, we are allotting Channel 261A to Corrigan.³

6. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective January , 2000, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the community listed below, as follows:

<u>Community</u>	<u>Channel Number</u>
Corrigan, Texas	261A
Lufkin, Texas	230A, 257C2, 286C

7. A filing window for Channel 261A, Corrigan, Texas will not be opened at this time. Instead, the issue of opening a filing window for these channels will be addressed by the Commission in a subsequent order.

8. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

² The FM allotment priorities are: (1) first full-time aural service; (2) second full-time aural service; (3) first local service; (4) other public interest matters. Priorities (2) and (3) are given equal weight. Revision of FM Assignment Procedures, 90 FCC 2d 88, 51 RR 2d 807 (1982).

³ The reference coordinates for the Channel 261A allotment at Corrigan, Texas are 30-59-48 and 94-49-48.

9. For further information concerning this proceeding, contact Arthur D. Scrutchins, Mass Media Bureau, (202) 418-2180. Questions related to the application filing process for Channel 261A at Corrigan Texas should be addressed to the Audio Services Division, Mass Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
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